

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HARRIS CORPORATION,)	
)	
Plaintiff / Counterclaim-Defendant,)	Civil Action No. 2:18-cv-00439-JRG
)	
v.)	
)	
HUAWEI DEVICE USA, INC.,)	JURY TRIAL DEMANDED
HUAWEI DEVICE CO., LTD.,)	
HUAWEI TECHNOLOGIES USA INC.,)	
HUAWEI TECHNOLOGIES CO. LTD., and)	
HUAWEI DEVICE (SHENZHEN) CO., LTD.,)	
)	
Defendants / Counterclaim-Plaintiffs.)	

**DECLARATION OF ALEXANDER E. MIDDLETON IN SUPPORT OF
HUAWEI'S OPPOSITION TO HARRIS'S
MOTION TO SEVER DEFENDANTS' INFRINGEMENT COUNTERCLAIMS**

I, Alexander E. Middleton, hereby declare:

1. I am an attorney admitted to practice in the State of New York and in the Eastern District of Texas. I am over the age of 18 and make this declaration based on my personal knowledge.
2. I am Counsel at the law firm of Ropes & Gray LLP in New York, NY. Ropes & Gray is counsel for Defendants Huawei Device USA, Inc., Huawei Device Co., Ltd., Huawei Technologies USA Inc., Huawei Technologies Co. Ltd., and Huawei Device (Shenzhen) Co., Ltd. ("Huawei").
3. I am providing this declaration in support of Huawei's Opposition to Harris's Motion to Sever Defendants' Infringement Counterclaims.

4. Attached hereto as **Exhibit 1** is a true and correct copy of selected pages of the Huawei's Disclosure of Asserted Claims and Infringement Contentions, served by Huawei on May 13, 2019.

5. Attached hereto as **Exhibit 2** is a true and correct copy of the Final Pretrial Conference Order (D.I. 438) in *Huawei Techs. Co. v. T-Mobile US, Inc.*, No. 2:16-cv-52-JRG-RSP (E.D. Tex. Sept. 29, 2017).

6. Attached hereto as **Exhibit 3** is a true and correct copy of the Docket Control Order (D.I. 48) in *Metaswitch Networks v. Genband US LLC*, No. 2:14-cv-744-JRG (E.D. Tex. Nov. 24, 2014).

7. Attached hereto as **Exhibit 4** is a true and correct copy of the Docket Control Order (D.I. 58) in *Invensys Sys., Inc. v. Emerson Elec. Co.*, No. 6:12-CV-00799-JRG (E.D. Tex. Aug. 6, 2013).

8. Attached hereto as **Exhibit 5** is a true and correct copy of the Complaint (D.I. 1) in *TiVo Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:15-cv-01503-JRG (E.D. Tex. Sept. 8, 2015).

9. Attached hereto as **Exhibit 6** is a true and correct copy of TiVo's Notice of Discovery Disclosure of Compliance with P.R. 3-1 & 3-2 (D.I. 31) in *TiVo Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:15-cv-01503-JRG (E.D. Tex. Feb. 8, 2016).

10. Attached hereto as **Exhibit 7** is a true and correct copy of Samsung's Notice of Compliance Regarding P.R. 3-1 & 3-2 (D.I. 32) in *TiVo Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:15-cv-01503-JRG (E.D. Tex. Feb. 9, 2016).

11. Attached hereto as **Exhibit 8** is a true and correct copy of Samsung's Second Amended Answer, Affirmative Defenses, and Counterclaims to TiVo Inc.'s First Amended

Complaint for Patent Infringement (D.I. 34) in *TiVo Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:15-cv-01503-JRG (E.D. Tex. Feb. 11, 2016).

12. Attached hereto as **Exhibit 9** is a true and correct copy of the Docket Control Order (D.I. 42) in *TiVo Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:15-cv-01503-JRG (E.D. Tex. Mar. 9, 2016).

13. Attached hereto as **Exhibit 10** is a true and correct copy of Samsung's Notice of Compliance Regarding P.R. 3-3 & 3-4 (D.I. 57) in *TiVo Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:15-cv-01503-JRG (E.D. Tex. Apr. 26, 2016).

14. Attached hereto as **Exhibit 11** is a true and correct copy of TiVo's Notice of Compliance Regarding P.R. 3-3 & 3-4 (D.I. 58) in *TiVo Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:15-cv-01503-JRG (E.D. Tex. Apr. 26, 2016).

15. Attached hereto as **Exhibit 12** is a true and correct copy of selected pages of the Official Transcript of Proceedings held on September 29, 2017 (*see* D.I. 444) in *TiVo Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:15-cv-01503-JRG (E.D. Tex. Sept. 29, 2017).

16. Attached hereto as **Exhibit 13** is a true and correct copy of the Order Dismissing Without Prejudice Claims and Counterclaims Relating to U.S. Patent Nos. 8,069,365 and 8,719,617 (*see* D.I. 424) in *Huawei Techs. Co. v. T-Mobile US, Inc.*, No. 2:16-cv-52-JRG-RSP (E.D. Tex. Sept. 25, 2017).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: May 24, 2019

New York, NY

/s/ Alexander E. Middleton
Alexander E. Middleton